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**NOV 25 2005**

In re Application of  
John H. Westerbeke, Jr.  
Application No. 09/862,973  
Filed: May 22, 2001  
Attorney Docket No. 00637-025001

: **OFFICE OF PETITIONS**  
:  
: **DECISION GRANTING PETITION**  
: **UNDER 37 CFR 1.313(c)(2)**  
:

This is a decision on the petition, filed November 23, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

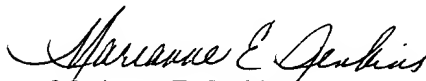
The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of Request for Continued Examination (RCE) and submission under 37 CFR 1.114. See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on September 26, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-3223.

Upon receipt of the file in the Office of Petitions and association of the instant petition, RCE, IDS and decision on petition with the file, the file will be forwarded to Technology Center AU 3747 for processing of the RCE under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

  
Marianne E. Jenkins  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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Date : November 23, 2005  
To : Director, Office of Patent Publication  
From : Office of the Deputy Commissioner  
for Patent Examination Policy  
SUBJECT : Withdrawal from Issue

Applicant(s) : John H. Westerbeke, Jr.  
Application No. : 09/862,973  
Filed : May 22, 2001

The above-identified application has been assigned Patent No. 6,968,812 and an issue date of November 29, 2005.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the application is published in the OG of November 29, 2005:

"All reference to Patent No. 6,968,812 to John H. Westerbeke, Jr. of Milton, MA for CONTROLLING EXHAUST TEMPERATURES appearing in the Official Gazette of November 29, 2005 should be deleted since no patent was granted."

Marianne E. Jenkins  
Petitions Examiner  
Office of Petitions

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